

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

VALENTIN COTTO, SARA EDITH  
xxx-xx-1383

DEBTOR

CASE NO. 20-04210 MCF

CHAPTER 13

**DEBTOR'S MOTION AND NOTICE OF FILING OF POST-CONFIRMATION  
MODIFICATION OF CHAPTER 13 PLAN 11 USC §1329**

**TO THE HONORABLE COURT:**

**COMES NOW, SARA EDITH VALENTIN COTTO**, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully state and pray as follows:

1. The DEBTOR is hereby submitting a post-confirmation modification of Chapter 13 Plan, 11 USC Section 1329, dated December 11, 2024, herewith and attached to this motion.
2. This Plan modification is filed for the following reasons:
  - a. **correct an error in the Plan scheduled payments which were already paid-in to the Plan, the Debtor's previous proposed modified Plan Dated 11/21/2024 (Docket No. 39) had a scheduled payment of "\$240 x 44 months" and the same should read "\$270 x 44 months" for a proposed Plan base of \$16,064.00; and**
  - b. **the present proposed modified Plan is also filed to provide for "\$0.00 for 3 months" since the Debtor incurred in arrears for these 3 months in the confirmed Plan payments to the Trustee for the reasons that the Debtor recently incurred in extraordinary medical expenses, also incurring in arrears in the payment of the Debtor's utility services (water and electricity), which did not allow the Debtor to maintain current Plan payments to the Trustee, causing the Plan arrears, in the present case.**

**NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 3015(f)**

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY, that on this same date a copy of this Notice was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, and all CM/ECF participants; I also certify that a copy of this notice was sent via regular mail to the Debtor and to all creditors and interested parties appearing in the master address list, hereby attached.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 11<sup>th</sup> day of December, 2024.

**/s/Roberto Figueroa Carrasquillo**

USDC #203614

RFIGUEROA CARRASQUILLO LAW OFFICE PSC

ATTORNEY FOR the DEBTOR

PO BOX 186 CAGUAS PR 00726

TEL NO 787-744-7699 787-963-7699

Email: [rfc@rfigueroalaw.com](mailto:rfc@rfigueroalaw.com)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In Re:  
SARA EDITH VALENTIN COTTO  
  
xxx-xx-1383

Case No.: 3:20-bk-4210

Chapter 13

☐ Check if this is a pre-confirmation amended plan

☒ Check if this is a post confirmation amended plan  
Proposed by:

☒ Debtor(s)

☐ Trustee

☐ Unsecured creditor(s)

Puerto Rico Local Form G

Chapter 13 Plan dated December 11,  
2024

If this is an amended plan, list below the sections of the plan that have  
been changed.  
2.1

**PART 1: Notices**

**To Debtor(s):** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

*In the following notice to creditors, you must check each box that applies*

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

**If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court.** The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

**PART 2: Plan Payments and Length of Plan**

2.1 Debtor(s) will make payments to the trustee as follows:

PMT Amount	Period(s)	Period(s) Totals	Comments
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\$200.00	2	\$400.00	
\$270.00	44	\$11,880.00	
\$0.00	3	\$0.00	
\$344.00	11	\$3,784.00	
Subtotals	60 Months	\$16,064.00	

*Insert additional lines if needed*

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

**2.2 Regular payments to the trustee will be made from future income in the following manner:**

*Check all that apply*

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.  
☒ Debtor(s) will make payments directly to the trustee.  
☐ Other (specify method of payment): \_\_\_\_\_

**2.3 Income tax refunds:**

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

**2.4 Additional payments:**

*Check one.*

- ☒ **None.** *If "None" is checked, the rest of § 2.4 need not be completed or reproduced.*

**PART3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of default, if any.**

*Check one.*

- ☒ **None.** *If "None" is checked, the rest of § 3.1 need not be completed or reproduced.*

**3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.**

*Check one.*

- ☐ **None.** *If "None" is checked, the rest of § 3.2 need not be completed or reproduced.  
The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.*

- ☒ The Debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the Debtor(s) state that the value of the secured claim should be as set out in the column headed Amount of Secured Claim. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below. If no monthly payment is listed below, distribution will be pro-rated according to section 7.2.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed Amount of Secured Claim will retain the lien on the property interest of the Debtor(s) or the estate(s) until the earlier of:

- (a) Payment of the underlying debt determined under nonbankruptcy law, or  
(b) Discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.  
See Bankruptcy Rule 3015.

Debtor SARA EDITH VALENTIN COTTO Case number 3:20-bk-4210

Name of Creditor	Estimated Amount of Creditor's Total Claim	Collateral	Value of Collateral	Amount of Claims Senior to Creditor's Claim	Amount of Secured Claim	Interest Rate %	Monthly PMT to Creditor	Estimated Total of Monthly PMTs
Popular Auto	\$9,575.00	2014 Toyota Yaris	\$7,600.00 plus 4.25% interest for a total sum to be paid of \$8,400.00	\$0.00	\$9,661.05 Claim No 6-1	4.25%	00.00	0.00
						Months	Starting on Plan Month	

*Insert additional claims as needed.*

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

**3.4 Lien Avoidance.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

**3.5 Surrender of collateral.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

**3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.**

☒ Payments pursuant to 11 USC §1326(a)(1)(C):

*Name of secured creditor*

*\$ Amount of APMP*

*Comments*

Popular Auto \$100.00

*Insert additional claims as needed.*

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

**3.7 Other secured claims modifications.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.

**PART 4: Treatment of Fees and Priority Claims**

**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

**4.2 Trustee's fees**

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

**4.3 Attorney's fees**

*Check one.*

Debtor

SARA EDITH VALENTIN COTTO

Case number

3:20-bk-4210

☒ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

☐ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:

\$ 228.00

Balance of attorney's fees to be paid under this plan are estimated to be:

\$ 3,772.00

If this is a post-confirmation amended plan, estimated attorney's fees:

\$ 300.00

#### 4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6

Check one.

☒ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

#### 4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

#### 4.6 Post confirmation property insurance coverage

Check one.

☐ **None.** If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

☒ The Debtor(s) propose to provide post-confirmation property insurance coverage to the secured creditors listed below:

Name of creditor insured	Insurance Company	Insurance coverage beginning date	Estimated insurance premium to be paid	Estimated total payments by trustee
<u>Popular Auto</u>	<u>Eastern American Ins</u>	<u>11/30/2022</u>	<u>46.00</u>	<u>\$1,518.00</u>

Disbursed by:

[ x ] Trustee

[ x ] Debtor(s)

### PART 5: Treatment of Nonpriority Unsecured Claims

#### 5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- ☐ The sum of \$ \_\_\_\_\_.
- ☐ \_\_\_\_\_ % of the total amount of these claims, an estimated payment of \$ \_\_\_\_\_.
- ☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ \_\_\_\_\_.

#### 5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

#### 5.3 Other separately classified nonpriority unsecured claims.

Debtor SARA EDITH VALENTIN COTTOCase number 3:20-bk-4210

Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.**PART 6: Executory Contracts and Unexpired Leases**

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

☒ **Assumed Items.** Current installment payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Name of Creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payments by trustee
<u>Luis Antonio Franco Albarran</u>	<u>Residential property located at Sumido Wars Carr 1 R715 Km 2.1 C</u>	<u>\$550.00</u>	<u>0.00</u>		<u>0.00</u>
		Disbursed by: [ ] Trustee [ X ] Debtor(s)			

**PART 7: Vesting of Property of the Estate & Plan Distribution Order**

7.1 **Property of the estate will vest in the Debtor(s) upon**

Check the applicable box:

- ☒ Plan confirmation.  
☐ Entry of discharge.  
☐ Other: \_\_\_\_\_

7.2 **Plan distribution by the trustee will be in the following order:**

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

**PART 8: Nonstandard Plan Provisions**

8.1 **Check "None" or list the nonstandard plan provisions**



Debtor

SARA EDITH VALENTIN COTTO

Case number

3:20-bk-4210



**None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

*Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included on the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective*

**Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.**

The following plan provisions will be effective only if there is a check in the box Included in § 1.3.

**8.2 This Section modifies LBF-G, Part 3: retention of Lien:**

The lien holder of any allowed secured claim, provided for by the Plan in its Part 3, will retain its lien according to the terms and conditions required by 11 USC 1325(a)(5)(B)(i)(I) & (II).

**8.3 This Section modifies LBF-G, Part 2, Section 2.3: Income Tax Refunds to be used to fund the plan:**

Tax refunds will be devoted each year, as periodic payments, to fund the plan until the plan's completion. The tender of such payments shall deem the plan modified by such amount, increasing the base without the need of further Notice, Hearing or Court Order. If the Debtor(s) need(s) to use all or portion of such Tax Refunds, Debtor(s) shall seek Court's authorization prior to any use of funds.

**8.4 This Section modifies LBF-G, Part : Section 3.2 Pay Value of Collateral:**

The Debtor proposes to pay Popular Auto Claim No 6-1 the value of collateral of a 2014 Toyota Yaris in the sum of \$7,600.00, plus risk factor interest at a rate of 4.25% for a total sum of \$8,400.00 to be paid through the Plan, the Debtor also proposes to pay car insurance (Part 4, Section 4.6) for Popular Auto's collateral, through the Plan.

*Insert additional lines as needed.*

**PART 9: Signature(s)**

/s/Roberto Figueroa Carrasquillo

Roberto Figueroa-Carrasquillo

Signature of Attorney of Debtor(s)

RFigueroa Carrasquillo Law Office PSC

Date December 21, 2024

Date

**By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.**



Label Matrix for local noticing  
0104-3  
Case 20-04210-MCF13  
District of Puerto Rico  
Old San Juan  
Wed Dec 11 07:25:14 AST 2024

POPULAR AUTO  
PO BOX 366818  
SAN JUAN, PR 00936-6818

Autoridad Acueductos Y Alcantarillados  
PO Box 70101  
San Juan, PR 00936-8101

Capital One Bank (USA), N.A.  
by American InfoSource as agent  
PO Box 71083  
Charlotte, NC 28272-1083

(p)DEPARTAMENTO DE TRANSPORTACION Y OBRAS PUB  
P O BOX 41269  
SAN JUAN PR 00940-1269

Island Portfolio Service, LLC / LUNA CHICA,  
PO BOX 361110  
SAN JUAN, PR 00936  
County: SAN JUAN-PR 00936-1110

Midland Funding LLC  
PO Box 2011  
Warren, MI 48090-2011

Popular Auto  
PO Box 362708  
San Juan, PR 00936-2708

Synchrony Bank  
PO Box 965033  
Orlando, FL 32896-5033

JOSE RAMON CARRION MORALES  
PO BOX 9023884  
SAN JUAN, PR 00902-3884

(p)RODRIGUEZ FERNANDEZ LAW OFFICE LLC  
ATTN ISLAND PORTFOLIO AS SERVICER OF FAIRWAY ACQUI  
P O BOX 361110  
SAN JUAN PR 00936-1110

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

(p)LUMA ENERGY  
REVENUE PROTECTION  
PO BOX 364267  
SAN JUAN PR 00936-4267

Capital One Bank USA N  
PO Box 30281  
Salt Lake City, UT 84130-0281

EASTERN AMERICA INSURANCE  
PO BOX 9023862  
SAN JUAN, P.R 00902-3862

LVNV Funding, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Oriental Bank  
Retail Operation & Collections  
Box 364745,  
San Juan, P.R. 00936-4745  
Att.: Ramn A. Snchez Marrero 00936-4745

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Synchrony Bank  
c/o of PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

MONSITA LECAROS ARRIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

ORIENTAL BANK CCU  
CCU BANKRUPTCY DEPARTMENT  
PO BOX 364745  
SAN JUAN, PR 00936-4745

Att Services  
PO Box 192830  
San Juan, PR 00919-2830

Bureaus Investment Group Portfolio No 15 LLC  
c/o PRA Receivables Management, LLC  
PO Box 41021  
Norfolk VA 23541-1021

Comety Bank  
PO Box 182789  
Columbus, OH 43218-2789

GE Capital Retail Bank  
170 W Election Rd Ste 125  
Draper, UT 84020-6425

Midland Credit Management, Inc.  
PO Box 51319  
Los Angeles, CA 90051-5619

POPULAR AUTO  
BANKRUPTCY DEPARTMENT  
PO BOX 366818  
SAN JUAN PUERTO RICO 00936-6818

Synch/Car Care Pep Boy  
C/o  
PO Box 965036  
Orlando, FL 32896-5036

The Bureaus Inc  
650 Dundee Rd  
Northbrook, IL 60062-2757

ROBERTO FIGUEROA CARRASQUILLO  
PO BOX 186  
CAGUAS, PR 00726-0186

SARA EDITH VALENTIN COTTO  
HACIENDA DEL RIO 18  
EL JIBARITO STREET  
COAMO, PR 00769

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

ISLAND PORTFOLIO SERVICES LLC AS SERVICER OF  
PO BOX 361110  
SAN JUAN, PR 00936

(d)ISLAND PORTFOLIO SERVICES LLC AS SERVICER  
P O BOX 361110  
SAN JUAN  
SAN JUAN, PR 00936

Autoridad de Energia Electrica  
PO Box 363508  
San Juan, PR 00936-3508

DTOP  
PO Box 41269 Minillas Station  
San Juan, PR 00940-1269

(d)Island Portfolio Services, LLC as servicer  
PO BOX 361110  
San Juan PR 00936

(d)PREPA - BANKRUPTCY OFFICE  
PO BOX 364267  
SAN JUAN PR 00936

Portfolio Recovery Associates, LLC  
PO Box 12914  
Norfolk, VA 23541-0914

End of Label Matrix  
Mailable recipients 30  
Bypassed recipients 0  
Total 30